facilities. The last such Bench has been established at Itanagar in Arunachal Pradesh with effect from 12th August, 2000.

The Governments of Tripura and Manipur had proposed setting up of separate High Courts for their respective States. However, in view of the workload, the State Governments were informed that the existing permanent Benches of the High Court at Agartala and Imphal are sufficient for the present.

Legal bar on witnesses turning hostile in courts

102. SHRI JANARDHANA POOJARY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that there is no legal bar for witnesses in a case to retract their statements made before the investigating authorities and turn hostile in the court of law;

(b) whether it is this tendency among the witnesses that is hampering conviction of the culprits in a number of cases; and

(c) whether there is any proposal to bring in a legislation or evolve a mechanism whereby statements once made before, say a Magistrate, is treated as final deposition and cannot be retracted or withdrawn either by the accused or the witnesses in a case?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) to (c) Section 162 of the Code of Criminal Procedure, 1973 provides that no statement made by any person to a police officer in the course of an investigation shall, if reduced to writing, be signed by the person making it. To prevent the problem of witness turning hostile, the Law Commission in its 178th Report has, *inter-alia* recommended insertion of Section 164-A after Section 164 of the Code of Criminal Procedure, 1973. A copy of the proposed Section 164-A is given in Statement (*See* below). The same would be processed in consultation with the State Governments as the Criminal Law and Criminal Procedure are on the Concurrent List of the Seventh Schedule to the Constitution of India. It is, however, not feasible to fix time frame for this.

Statement

Extract of recommendations from 178th Report of the Law Commission

"164A (1) Any police officer making an investigation into any offence punishable with imprisonment for a period of ten years or more (with or without fine) including an offence which is punishable with death, shall in the course of such investigation, forward all persons whose evidence is essential for the just decision of the case, to the nearest Magistrate for recording their statements.

(2) The Magistrate shall record the statements of such persons forwarded to him under sub-section (1) on oath and shall keep such statements with him awaiting further police report under section 173.

(3) Copies of such statements shall be furnished to the investigating officer.

(4) If the Magistrate recording the statement is not empowered to take cognizance of such offence, he shall send the statements so recorded to the magistrate empowered to take cognizance of the case.

(5) The statement of any person duly recorded as a witness under sub-section (1) may, if such witness is produced and examined, in the discretion of the court and subject to the provisions of the Indian Evidence Act, 1872, be treated as evidence".

Pending cases in High Courts

†103. SHRIMATI SAVITA SHARDA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the total number of pending cases in the High Courts in the country;

(b) the provision with regard to disposal of the cases per judge, per year;

(c) the name of High Courts which had disposed of the highest and the lowest number of cases during the year 2001-2002;

†Original notice of the question was received in Hindi.